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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-08-0340 SBA
	)	
Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	HEARING DATE TO SEPTEMBER 2,
v.	)	2008 AND TO EXCLUDE TIME UNDER
	)	THE SPEEDY TRIAL ACT
TY WESLEY RYAN (a/k/a Ty Wesley	)	
Tyan, a/k/a Ty Ryan),	)	Date: September 2, 2008
	)	Time: 9:00 a.m.
Defendant.	)	Court: Hon. Sandra B. Armstrong
	)	

The above-captioned matter is currently set on July 8, 2008 before this Court for a status conference. The parties request that this Court continue the hearing to September 2, 2008 at 9:00 a.m. and that the Court continue to exclude time under the Speedy Trial Act between July 8, 2008 and September 2, 2008.

On June 20, 2008, United States Magistrate Judge Nandor J. Vadas granted the United States' Motion for Writ of Habeas Corpus Ad Prosequendum as to the defendant and ordered the United States Marshal and the Sheriff for Alameda County to bring the defendant before this Court for the July 8, 2008 status conference. However, between June 20, 2008 and the date of this stipulated request, the defendant was moved from the custody of Alameda County to the

STIP. AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO EXCLUDE TIME

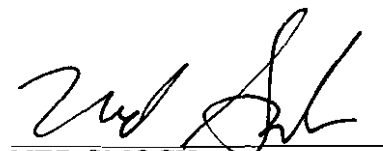
No. CR-08-0340 SBA

1 custody of the California Department of Corrections and Rehabilitation ("CDCR") to begin  
2 serving a state imposed sentence on a separate charge. Accordingly, the defendant's presence  
3 cannot be obtained with due diligence for the July 8, 2008 status conference. The parties will  
4 now file an Amended Petition for Writ of Habeas Corpus Ad Prosequendum with the United  
5 States Magistrate Judge directing the CDCR to produce the defendant at a later date, as directed  
6 by this Court.

7 For this reason, the parties stipulate and request that the Court continue to exclude time  
8 between July 8, 2008 and September 2, 2008 under the Speedy Trial Act due to the absence and  
9 unavailability of the defendant, pursuant to 18 U.S.C. § 3161(h)(3)(A).

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11 DATED: July 8, 2008

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14 WADE M. RHYNE  
15 Assistant United States Attorney  
16 Counsel for United States

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18   
19 NED SMOCK  
20 Counsel for Ty Wesley Ryan

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TY WESLEY RYAN (a/k/a Ty Wesley  
Tyan, a/k/a Ty Ryan),

Defendant.

No. CR-08-0340 SBA

[PROPOSED] ORDER GRANTING  
REQUEST TO CONTINUE HEARING  
DATE TO SEPTEMBER 2, 2008 AND TO  
EXCLUDE TIME UNDER THE SPEEDY  
TRIAL ACT

Date: September 2, 2008

Time: 9:00 a.m.

Court: Hon. Sandra B. Armstrong

The parties jointly requested that the hearing in this matter be continued from July 8, 2008 to September 2, 2008, and that time be excluded under the Speedy Trial Act between July 8, 2008 and September 2, 2008 to allow for the defendant's presence as set forth in the parties' stipulated request. For these stated reasons and good cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(3)(A),

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STIP. AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO EXCLUDE TIME

No. CR-08-0340 SBA

1           **IT IS HEREBY ORDERED** that this matter is set for a status conference on September  
2 2, 2008 at 9:00 a.m., and that time between July 8, 2008 and September 2, 2008 will continue to  
3 be excluded under the Speedy Trial Act to allow for the parties to obtain the presence of the  
4 defendant with all due diligence.

5  
6 DATED: \_\_\_\_\_

HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge